

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Wednesday, February 25, 2015)

The Senate met at 11:01 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Absent-excused: Watson.

The President announced that a quorum of the Senate was present.

Chaplain Major Jeremy Stirm, Texas Army National Guard, offered the invocation as follows:

Father God, we thank You for Your unceasing presence in our lives. Lord God, You have made known Your authority from the beginning, when You spoke and light was divided from darkness and the heavens from the Earth. All wisdom, power, and authority reside in You alone. Yet in Your just and wise providence, You share authority, granting persons to exercise leadership over us and have directed us to pray for them and to obey them. We also acknowledge that apart from following Your way and obeying Your commands, no individual and no nation can experience Your favor. Therefore, I pray that You grant the leaders here assembled wisdom and grace as they lead this state and the discernment and courage needed to follow Your will. And now, ruler of all creation, hear our prayer, may You bless us, protect us from all evil, and bring us to everlasting life. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Watson was granted leave of absence for today on account of important business.

PHYSICIAN OF THE DAY

Senator L. Taylor was recognized and presented Dr. Mathews Ninan of Pearland as the Physician of the Day.

The Senate welcomed Dr. Ninan and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Birdwell, on behalf of Senator West, was recognized and introduced to the Senate a Tuition Equalization Grant Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 260

Senator L. Taylor offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the visiting delegation from Pearland on the occasion of Pearland Day at the State Capitol; and

WHEREAS, The City of Pearland was established in 1893 and named for the many fruit trees that grew in the area; hurricanes and other harsh weather made agricultural life difficult in the initial decades of the city's history, but the city began to thrive after oil and gas were discovered in 1934; and

WHEREAS, Today, the city boasts a flourishing economy and an effective school system; the local chamber of commerce works diligently to continue the city's course of successful development and helps to keep the citizenry informed on matters that affect the community; and

WHEREAS, Residents of Pearland enjoy the benefit of proximity to Houston and Galveston attractions while cherishing the unique charm of their beloved community, which was recognized by the National Civic League in 1999 as an All-America City; and

WHEREAS, Pearland is an outstanding place in which to live, work, and raise a family, and citizens can indeed take pride in the place they call home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby recognize February 25, 2015, as Pearland Day at the State Capitol and extend to the visiting delegation best wishes for a memorable day in Austin; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

SR 260 was read and was adopted without objection.

GUESTS PRESENTED

Senator L. Taylor was recognized and introduced to the Senate a City of Pearland delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Bettencourt was recognized and introduced to the Senate members of the Texas Building Owners and Managers Association.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Uvalde County Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 248

Senator Huffines offered the following resolution:

SR 248, Recognizing February 25, 2015, as Garland Chamber of Commerce Day.

HUFFINES
HALL

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffines was recognized and introduced to the Senate members of the Garland Chamber of Commerce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Kilgore College Rangerettes delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 179

Senator Rodríguez offered the following resolution:

SR 179, Recognizing February 25, 2015, as the Day of the Fallen.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate delegations from the Build a Better Texas Coalition and the Workers Defense Project.

The Senate welcomed its guests.

SENATE RESOLUTION 271

Senator Hinojosa offered the following resolution:

SR 271, Recognizing February 25, 2015, as Coastal Bend Day.

HINOJOSA
KOLKHORST

LUCIO
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Coastal Bend Day delegation: Nueces County Judge Loyd Neal, Corpus Christi Mayor Nelda Martinez, and Corpus Christi Chamber of Commerce representatives Gabe Guerra and Foster Edwards.

The Senate welcomed its guests.

SENATE RESOLUTION 256

Senator Burton offered the following resolution:

SR 256, Recognizing February 25, 2015, as MillerCoors Fort Worth Brewery Day.

The resolution was again read.

The resolution was previously adopted on Tuesday, February 24, 2015.

GUESTS PRESENTED

Senator Burton was recognized and introduced to the Senate a MillerCoors LLC delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Women's Business Council – Southwest delegation.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Texas Transit Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Liquefied Natural Gas Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Real County Day delegation.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:40 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, March 2, 2015.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 211 by Schwertner, Birdwell, Nelson, Campbell, Hinojosa

Relating to the continuation and functions of the Governor's Committee on People with Disabilities.

To Committee on Health and Human Services.

SB 686 by Seliger

Relating to the mathematics and science teacher investment fund for the Math and Science Scholars Loan Repayment Program.

To Committee on Higher Education.

SB 687 by Hinojosa

Relating to the exclusion from total revenue of certain payments received by health care providers for purposes of computing the franchise tax.

To Committee on Finance.

SB 688 by Schwertner, Birdwell, Campbell, Hinojosa, Nelson

Relating to the continuation and functions of the Governor's Committee on People with Disabilities.

To Committee on Health and Human Services.

SB 689 by Seliger

Relating to a refund of overpayments of the motor vehicle sales tax computed based on standard presumptive value.

To Committee on Finance.

SB 690 by L. Taylor

Relating to the applicability of certain insurance laws to certain farm mutual insurance companies.

To Committee on Business and Commerce.

SB 691 by Birdwell

Relating to tuition and fee exemptions for certain students enrolled in fire science courses at public institutions of higher education.

To Committee on Higher Education.

SB 692 by Rodríguez, Garcia

Relating to the admission policy of an open-enrollment charter school.

To Committee on Education.

SB 693 by West

Relating to the municipal sales and use tax for street maintenance.

To Committee on Finance.

SB 694 by Bettencourt, Burton, Creighton, Ellis, Eltife, Garcia, Huffines, Lucio, Rodríguez, Seliger, L. Taylor

Relating to authorizing patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that are in clinical trials.

To Committee on Health and Human Services.

SB 695 by L. Taylor

Relating to a study of the feasibility and desirability of creating and maintaining a coastal barrier system.

To Committee on Natural Resources and Economic Development.

SB 696 by L. Taylor

Relating to increasing the fee on conviction paid by a defendant for a peace officer committing or releasing the defendant.

To Committee on Criminal Justice.

SB 697 by L. Taylor

Relating to the definition of urban transit district.

To Committee on Transportation.

SB 698 by L. Taylor

Relating to increasing the maximum amount of a fee for verification or monitoring of an ignition interlock device as a condition of bond for certain intoxication offenders.

To Committee on Criminal Justice.

SB 699 by Eltife

Relating to the Texas Real Estate Commission and the regulation of certain real estate professionals; increasing a fee; authorizing a fee.

To Committee on Business and Commerce.

SB 700 by Eltife

Relating to the use of electronic processes by and electronic information submitted to the Texas Alcoholic Beverage Commission; authorizing a fee.

To Committee on Business and Commerce.

SB 701 by V. Taylor

Relating to the elimination of the statute of limitations for the offense of sexual performance by a child.

To Committee on Criminal Justice.

SB 702 by Hinojosa

Relating to reimbursement for ambulance services provided to persons enrolled in the Medicaid managed care program.

To Committee on Health and Human Services.

SB 703 by Creighton

Relating to the tow rotation list in certain counties.

To Committee on Business and Commerce.

SB 704 by Creighton

Relating to dedicating certain state revenue to the purpose of retiring state debt for transportation improvements.

To Committee on Transportation.

SB 705 by Uresti

Relating to the review of and notifications regarding certain state contracts.

To Committee on Business and Commerce.

SB 706 by Garcia

Relating to classification of a liquid substance used to fill an electronic cigarette as a hazardous substance.

To Committee on Health and Human Services.

SB 707 by Garcia

Relating to access to certain preventive health and family planning services.

To Committee on Health and Human Services.

SB 708 by Garcia

Relating to regulation of public nuisance, aggressive, and dangerous dogs; authorizing fees and creating offenses.

To Committee on Natural Resources and Economic Development.

SB 732 by Nichols

Relating to the exemption from ad valorem taxation of farm products.

To Committee on Finance.

SB 743 by Birdwell

Relating to the allocation of certain surplus state revenue for periodic reductions in the state sales tax rate.

To Committee on Finance.

SB 744 by Zaffirini

Relating to the form of a motion to adopt an ordinance, resolution, or order setting an ad valorem tax rate that exceeds the effective tax rate.

To Committee on Finance.

SB 752 by Bettencourt

Relating to the repeal of the inheritance tax and the tax on combative sports events.

To Committee on Finance.

SB 755 by V. Taylor

Relating to the application of the sales and use tax to certain computer program transactions.

To Committee on Finance.

SB 756 by V. Taylor

Relating to the determination of cost of goods sold for purposes of computing the franchise tax.

To Committee on Finance.

SB 757 by Perry

Relating to the repeal of the production taxes on crude petroleum and sulphur.

To Committee on Finance.

SB 758 by Bettencourt

Relating to the exemption from ad valorem taxation of certain tangible personal property used by the owner of the property to manufacture, process, or fabricate tangible personal property for ultimate sale.

To Committee on Finance.

SB 759 by Kolkhorst

Relating to the repeal of certain state taxes.

To Committee on Finance.

SB 761 by Creighton

Relating to the taxation of fireworks.

To Committee on Finance.

SB 762 by Bettencourt, Hall, Huffines, Kolkhorst, V. Taylor

Relating to the exemption from ad valorem taxation of income-producing tangible personal property having a value of less than a certain amount.

To Committee on Finance.

SB 763 by Bettencourt, Hall, Huffines, Kolkhorst, V. Taylor

Relating to the exemption from ad valorem taxation of certain income-producing tangible personal property.

To Committee on Finance.

SB 765 by Eltife, Schwertner

Relating to the repeal of certain occupational license fees and taxes.

To Committee on Finance.

SB 766 by Bettencourt

Relating to the calculation of certain ad valorem tax rates of a taxing unit.

To Committee on Finance.

SB 767 by Bettencourt

Relating to the procedure for the adoption of an ad valorem tax rate.

To Committee on Finance.

SJR 35 by Bettencourt

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation by one or more political subdivisions tangible personal property used by the owner of the property to manufacture, process, or fabricate tangible personal property for ultimate sale.

To Committee on Finance.

SJR 36 by Bettencourt, Hall, Huffines, Kolkhorst, V. Taylor

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation income-producing tangible personal property valued at less than \$50,000.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 53

On motion of Senator Nelson, Senator Huffines will be shown as Co-author of **SB 53**.

CO-AUTHOR OF SENATE BILL 54

On motion of Senator Nelson, Senator Huffines will be shown as Co-author of **SB 54**.

CO-AUTHOR OF SENATE BILL 105

On motion of Senator Estes, Senator Huffines will be shown as Co-author of **SB 105**.

CO-AUTHOR OF SENATE BILL 106

On motion of Senator Whitmire, Senator Ellis will be shown as Co-author of **SB 106**.

CO-AUTHOR OF SENATE BILL 107

On motion of Senator Whitmire, Senator Ellis will be shown as Co-author of **SB 107**.

CO-AUTHORS OF SENATE BILL 137

On motion of Senator Perry, Senators Bettencourt, Creighton, and L. Taylor will be shown as Co-authors of **SB 137**.

CO-AUTHOR OF SENATE BILL 171

On motion of Senator Huffman, Senator Huffines will be shown as Co-author of **SB 171**.

CO-AUTHOR OF SENATE BILL 326

On motion of Senator Estes, Senator Huffines will be shown as Co-author of **SB 326**.

CO-AUTHOR OF SENATE BILL 351

On motion of Senator Birdwell, Senator Huffines will be shown as Co-author of **SB 351**.

CO-AUTHOR OF SENATE BILL 473

On motion of Senator Perry, Senator Burton will be shown as Co-author of **SB 473**.

CO-AUTHOR OF SENATE BILL 543

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-author of **SB 543**.

CO-AUTHOR OF SENATE BILL 602

On motion of Senator Hinojosa, Senator Creighton will be shown as Co-author of **SB 602**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Campbell, Senator Perry will be shown as Co-author of **SJR 10**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 11

On motion of Senator Perry, Senators Bettencourt, Creighton, and L. Taylor will be shown as Co-authors of **SJR 11**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 19

On motion of Senator Perry, Senator Burton will be shown as Co-author of **SJR 19**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 258 by Lucio, In memory of Enrique Escobedo Jr.

SR 264 by Rodríguez, In memory of William Janke Kastrin.

Congratulatory Resolutions

SR 257 by Lucio, Recognizing Lucy E. Elizardi on the occasion of her retirement.

SR 261 by Hall, Recognizing Stephen Christopher Suprun Jr. for his leadership in all areas of emergency medical services.

SR 262 by Garcia, Recognizing Tatcho Mindiola Jr. on the occasion of his retirement.

SR 265 by Zaffirini, Recognizing the Cotulla High School Mariachi Cotuleno band for winning a state championship.

SR 267 by Zaffirini, Recognizing the Hogg Foundation for Mental Health on the occasion of its 75th anniversary.

SR 268 by Zaffirini, Recognizing Communities in Schools of Laredo on the occasion of its 25 years of service to area students.

SR 269 by Zaffirini, Congratulating the recipients of the 2015 Texas Medal of Arts Awards.

Official Designation Resolutions

SR 232 by Hancock, West, and Huffines, Recognizing February 25, 2015, as City of Irving Day.

SR 237 by Hall, Recognizing February 25, 2015, as Van Zandt County Day.

SR 259 by Hinojosa, Recognizing February 25, 2015, as Transit Day.

SR 263 by Garcia, Recognizing March 2015 as Professional Social Work Month in Texas.

SR 266 by Zaffirini, Recognizing March 3, 2015, as Texas Breastfeeding Coalition Lobby Day.

SR 270 by Estes, Recognizing February 25, 2015, as Liquefied Natural Gas Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:51 a.m. adjourned until 2:00 p.m. Monday, March 2, 2015.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 25, 2015

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 541**

RESOLUTIONS ENROLLED

February 24, 2015

SR 168, SR 220, SR 235, SR 249, SR 250, SR 251, SR 252, SR 253, SR 254, SR 255, SR 256

